

### III. REMARKS

Claims 1-29 are pending in this application.

Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 7-8, 16, 22, and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz (U.S. Patent Pub. No. 2001/0037258 A1), hereinafter “Barritz,” in view of Mueller *et al.* (U.S. Patent No. 6,009,398), hereinafter “Mueller,” further in view of Gruber *et al.* (U.S. Patent No. 5,712,979), hereinafter “Gruber,” further in view of Bochne *et al.* (U.S. Patent No. 6,434,500), hereinafter, “Bochne,” and further in view of Adobe GoLive 5.0 User Guide, (published 2000), hereinafter, “Adobe.”

Claims 2, 12, 18 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Bochne and Adobe, and further in view of Yen *et al.* (U.S. Patent No. 6,724,918 B1), hereinafter “Yen,” and further in view of Carrier, III *et al.* (U.S. Patent No. 5,960,196), hereinafter “Carrier, III.”

Claims 3, 19 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Bochne and Adobe, and further in view of Stern (U.S. Patent No. 6,724,918), hereinafter “Stern.”

Claims 4, 20 and 25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Bochne and Adobe, and further in view of Lemay

(“Laura Lemay’s Teach Yourself Web Publishing with HTML 4 in 14 Days”, 1997, Sams.net), hereinafter “Lemay,” and further in view of Towers (“Visual Quickstart Guide: Dreamweaver 2 for Windows and Macintosh”, 1999, Peachpit Press), hereinafter “Towers.”

Claims 5, 21 and 26 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Boehne and Adobe, and further in view of Conant *et al.* (U.S. Patent Pub. No. 2002/0129056 A1), hereinafter “Conant,” and further in view of Busch *et al.* (U.S. Patent No. 6,656,050 B2), hereinafter “Busch,” and further in view of Daberko (U.S. Patent No. 5,787,445), hereinafter “Daberko.”

Claims 6, 17 and 27 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Boehne and Adobe, and further in view of Helgeson *et al.* (U.S. Patent No. 6,643,652 B2), hereinafter Helgeson.

Claim 9 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Boehne, Adobe and Yen.

Claims 10-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Boehne, Adobe, Yen and Helgeson.

Claim 13 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Boehne, Adobe, Yen, Carrier, III and Stern.

Claim 14 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Boehne, Adobe, Yen, Carrier, III, Stern, Lemar, and Towers.

Claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barritz in view of Mueller, Gruber, Boehne, Adobe, Yen, Carrier, III, Stern, Lemay, Towers, Conant, Busch, and Daberko.

Applicants respectfully traverse these rejections for the following reasons indicated below.

**A. REJECTION OF CLAIMS 1, 16, 22 AND 29 UNDER 35 U.S.C. §103(a) OVER BARRITZ, MUELLER, GRABER, BOEHNE AND ADOBE**

Applicants respectfully submit that the references are each directed to methods/systems/apparatus to facilitate an end user of a computer or internet system. In contrast to the references, the claimed invention is directed at providing a development tool to assist a creator in the creation of a web site, where the creator has no prior knowledge of web-based programming languages. In view of the disparity in the specificity of the intended use of the claimed invention and the references, comparison of the references to the claimed invention is inappropriate. However, *arguendo*, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every element of the claimed invention.

Initially, with respect to independent claims 1, 16, 22 and 29, Applicants assert that Barritz fails to disclose the website being adapted to be developed by a creator that has no knowledge of web-based programming. Office has indicated that Applicants' arguments in the response of 27 October 2005 were not persuasive as the Office is of the view that the Adobe discloses "...a creator that has no knowledge of web-based programming ..." of the claimed invention. Applicants respectfully disagree. The user in Adobe is equipped with knowledge of HTML, which the Office states is a web-based programming language. Current Office Action, page 16. By this, the Office admits that the user disclosed in Adobe has knowledge in web-based programming; and hence does not fall within the ambit of the claimed invention's "...creator."

The claimed invention caters to users (i.e. creator(s)) with “... no knowledge of web-based programming” languages unlike all cited references in the current Office Action.

With further respect to independent claims 1, 16, 22 and 29, Applicants submit that the cited references fail to teach or suggest each and every element of the claimed invention.

Specifically, Applicants further assert that Mueller teaches a calendar system with a speech based interface for which a user may directly record appointments. Col. 1, lines 35 - Col. 2, lines 8.

Unlike the claimed invention, Mueller does not incorporate as part of its calendar system the function of defining “...a calendar for posting on the website” such that a reader is updated on events and appointments at the website. To this extent the calendar system of the claimed invention serves a completely different function, primarily as a notice to readers of the website, from that disclosed in Mueller, which serves primarily as a diary for an end user. As such incorporating the calendar system of Mueller into Barritz will not result in the same calendar system of the claimed invention. Therefore, a person of ordinary skill in the art will have no motivation to combine the teaching of Mueller with Barritz since any reasonable likelihood of success would not be expected.

With further respect to independent claim 29, Applicants submit that Bochne does not disclose the feedback system of the claimed invention which provides an avenue for a user (i.e. the reader) to direct his comments, queries, opinion or suggestions to the creator/group of creators of the web site. Claim 29. Instead, Bochne’s feedback system refers to a system for enabling “...feedback to the operator” to review his input commands/actions in a computer system (Col. 3, lines 15 – 35), which may be via a display means like that of a monitor. The term “feedback system”, albeit common in both the claimed invention and Bochne represents a

tangential purposes and functions in the context of the respective disclosures. Clearly, Bochne is a non-analogous to the claimed invention in view of the difference in the operations of the feedback systems.

With respect to the teachings of history codes in Graber, the history codes are used to identify the entity that refers a user to a particular service (col. 2, l 39 – 44). As such, Grabber does not disclose the claimed invention's breadcrumb mechanism which dynamically defines and depicts "... a site diagram, ... to allow a reader to see all visited web pages and to return to a particular page ..." in the same online session. Claim 29. This distinction in function of Graber's history codes teaches away from the claimed invention.

With further regard to the 35 U.S.C. §103(a) rejection of the independent claims 1, 16, 22 and 29 over Mueller, Bochne and Grabber, Applicants assert that there is no motivation or suggestion to combine with Barritz. Specifically, the Office contends that Mueller cures the missing calendar while Bochne cures the missing feedback system and Graber cures the missing breadcrumb mechanism in Barritz. However, according to the preceding paragraphs, it is clearly shown that:-

(i) Mueller's calendar system does not lead a person of ordinary skill in the art to anticipate a reasonable likelihood of success in achieving the claimed invention by enabling the recordation and/or scheduling of appointments/events. Col. 1, lines 35 – 38. Mere recordation of appointment or events as provided in Mueller does not suffice in facilitating actual notification to readers of a webpage of forthcoming events. An active posting of scheduled events as provided in the claimed invention's calendar system by "defining a calendar for posting on the

website" is required to enable readers of a web page to receive the necessary information. Claim 29.

(ii) Boehne is a non-analogous art to the present application in view that its feedback system serves a completely different purpose from the claimed invention. To incorporate Boehne's feedback system would destroy the stated purpose of Boehne, that is, to provide feedback to the operator of a computer system.

(iii) Graber teaches away from the claimed invention in that the history code is directed to "...capturing and storing a co-marketer identification symbol..." (Col 2, lines 39 – 44) unlike the claimed breadcrumb code which builds a site diagram of all web pages visited in an online session to enable a reader to retrace his cyber-journey. A person of ordinary skill would not arrive at the claimed invention if the teaching of Grabber is performed with that of Barritz.

As such, a combination of Mueller, Boehne and Grabber with Barritz will not result in the respectively claimed calendar system, feedback mechanism and breadcrumb system of the claimed invention. Therefore, the Office has failed to prove a *prima facie* case of obviousness. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In addition to previously submitted arguments, the foregoing established that each of the references: Mueller, Graber, Boehne and Adobe GoLive does not reconcile the respective deficiencies in Barritz to enable a person of ordinary skill in the art to achieve the website development of the claimed invention. Applicants respectfully submit that the references are each directed to meet a different purpose from that of the claimed invention and therefore, the combined references fail to teach or suggest, *inter alia*, the categories, the creator group, the content, the relationship, the calendar, the breadcrumb code, and the feedback mechanism of the

website claimed in independent claims 1, 16, 22 and 29, which are adapted to be developed by a creator that has no knowledge of web-based programming. Accordingly, Applicants respectfully request that the rejection of independent claims 1, 16, 22 and 29 under 35 U.S.C. §103(a) be withdrawn.

**B. REJECTION OF CLAIMS 9 UNDER 35 U.S.C. §103(a) OVER BARRITZ, MUELLER, GRABER, BOEHNE, ADOBE AND YEN**

Regarding claim 9, Applicants assert that a person of ordinary skill in the art would not be motivated to add the teachings of Yen to the combined teachings of Mueller, Graber, Boehne and Adobe with Barritz where this original combination of references has failed to cure the deficiencies of Barritz according to the rationale set out above for independent claims 1, 16, 22 and 29. Such a person of ordinary skill in the art would not be motivated to do so as there would not be any reasonable expectations of likelihood of success in achieving the claimed invention according to claim 9 where the combined teachings of Mueller, Graber, Boehne and Adobe has failed to cure the fundamental deficiencies of Barritz to provide a system/method for developing a website of the claimed invention.

Accordingly, Applicants respectfully request that the rejection of independent claims 9 under 35 U.S.C. §103(a) be withdrawn.

**C. REJECTION OF CLAIMS 2, 12, 18, 23 AND 29 UNDER 35 U.S.C. §103(a) OVER BARRITZ, MUELLER, GRABER, BOEHNE, ADOBE, YEN, AND CARRIER III**

With regard to the 35 U.S.C. §103(a) rejection over Barritz in view of Mueller, Graber, Boehne, Adobe, Yen, and Carrier III, Applicants assert that the combined references cited by the

Office fail to teach or suggest each and every element of the claimed invention as set out in the arguments with respect to claims 1, 9, 16 and 22 above. None of Mueller, Gruber, Bochne, Adobe, Yen and Carrier III cures the respective deficiencies in Barritz; and hence there would not be any reasonable expectation by a person of ordinary skill in the art to even contemplate the combined teachings of these references to arrive at the claimed inventions set out in claims 2, 12, 18, 23 and 29. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

**D. REJECTION OF CLAIMS 3-6, 7-8, 10-11, 13-15, 17, 19-21 and 24-27 UNDER 35 U.S.C. §103(a)**

With regard to the Office's 35 U.S.C. §103(a) rejections of dependent claims 3-6 (appended from independent claim 1), claims 7 – 8 (appended to claim 1), claims 10-11 and 13 - 15 (appended from independent claim 9), claims 17, 19 – 21 (appended from independent claim 16), claim 24 – 27 (appended from independent claim 22), Applicants submit the same arguments set out in the preceding pages with respect to the respective independent claims that the combined features of the cited art fail to teach each and every feature of the claimed invention set out in the respective dependent claims. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

In particular for the 35 U.S.C. §103(a) rejection of claims 7 – 8, Applicants assert that the Office's factual assertion is not properly based upon common knowledge. For example, Applicants assert that “the breadcrumb code ...” for allowing “...a reader ... to view a list of web page links ... visited by the reader, and further allows the reader to select a particular link to return...” thereto is not obvious to one skilled in the art as asserted by the Office. Accordingly,

Applicants respectfully request that the Office support the finding with references that show these features.

Applicants further submit that all defendant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

#### IV. CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Date: April 24, 2006

---

Hunter E. Webb  
Reg. No.: 54,593

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)

RAD/hew/tc